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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MARK WILSON

Plaintiffs,

v.

JERRY PLANTE, and JOHN DOES 1-10.

Defendants.

Case No. 6:21-cv-01606-SI

DECLARATION OF
JULIA YOSHIMOTO

I, Julia Yoshimoto, hereby declare and state as follows:

1. I am 18 years of age or older and am otherwise competent to make this declaration. I make this declaration on personal knowledge of the matters stated in this declaration or from sources deemed reliable.
2. I am a licensed and active attorney in Oregon (OSB No. 131447).
3. On October 1, 2021, I received a letter from Mark J. Wilson, the above-named plaintiff, dated September 27, 2021, in which he stated that he had “[e]nclosed * * * a copy of the administrative review request that [he] sent to the Inspector General today.” Attached as

- Exhibit 4** is a true and correct copy of the letter I received from Mark J. Wilson, which includes the copy of his administrative review request which he included in that letter.
4. On September 29, 2021, attorney Juan Chavez and I submitted an email and attached letter to ODOC officials Rob Persson, Assistant Director of Operations, and Craig Prins, Inspector General, with a request that the final disciplinary order issued against Mark J. Wilson on August 31, 2021, signed by functional unit manager on September 15, 2021, be vacated in the interest of justice, pursuant to OAR 291-105-0100.
 5. On October 1, 2021, I sent an email to ODOC officials Rob Persson and Craig Prins requesting affirmation of receipt of email and letter sent by me on September 29, 2021, regarding the request to vacate the final disciplinary order issued against Mark J. Wilson. I concluded the email by stating “If you do not respond by 5:00 pm today (10/01/21), we will consider your non-response a denial of our request.”
 6. On October 4, 2021, ODOC Inspector General Craig Prins informed attorney Juan Chavez and me by email that he had received our September 29, 2021 request to vacate the final disciplinary order.
 7. On October 28, 2021, ODOC Inspector General Craig Prins denied attorney Juan Chavez’s and my September 29, 2021 request to vacate the final disciplinary order in Mark J. Wilson’s case. Attached as **Exhibit 5** is a true and correct copy of ODOC Inspector General Craig Prins denial of our request to vacate the final disciplinary order.
 8. Neither attorney Juan Chavez nor I received notice from ODOC Inspector General Craig Prins of his denial of our September 29, 2021 request to vacate the final disciplinary order.

9. Mark J. Wilson informed me that he had received ODOC Inspector General Craig Prins's letter denying the request to vacate his final disciplinary order by mail on November 17, 2021.

I declare under penalty of perjury and under the laws of the United States, pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, memory, and belief.

EXECUTED on this 2nd December.

/s/ Julia Yoshimoto
Julia Yoshimoto
Declarant

1 Dear Bobbin & Julia, Mon. Sept. 27th 2021

2 Hi!! Enclosed you will find a copy of the administrative review request that I sent to the

3 Inspector-General today. The constitutional arguments are on pages 6-8. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

Take care, be well. Talk to you soon. Warmest Regards,
Mark

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Oregon Department of Corrections
Petition for Administrative Review

Inmate Name: Mark James Wilson Mark James Wilson SID#: 7449142
Printed Name/Signature

Institution: OSCI Date: 9/27/21

- 1) **REVIEW CRITERIA:** In order to file an administrative review, you must have been found in violation of a **Level I or II** rule(s) on the Sanctioning Grid; or your sanction recommends an extension of your parole release date or retraction of earned time, good time or extra good time credits; or a segregation sanction deviation was ordered.
- 2) **TIMEFRAMES:** You must file your request with the Inspector General within **60** calendar days after the Final Order has been signed by the Functional Unit Manager/designee or after the preliminary order becomes a final order under OAR 291-105-0031(3).

3) **MANDATORY REQUIREMENTS:** (Please complete the following areas)

Date of Hearing: 8/10/21; & 8/31/21

Hearing Case Number: 2103 OSCI 00516 OSCI 35

<u>4.15 Compromising an Employee</u>	<u>120 days DSU; \$100 fine & 28 days LEP - Suspended</u>
Rule Violation	Sanction
<u>1.26 Unauthorized Use of Information Systems II</u>	<u>0 - Merged</u>
Rule Violation	Sanction
<u>1.11 Contraband II</u>	<u>0 - Merged</u>
Rule Violation	Sanction

You must provide sufficient evidence to show:

1) There was not substantial compliance with the rule because:

A. OAR 291-105-0021(2)(a) requires filing of a misconduct report "no later than 24 hours after sufficient evidence or information is gathered, discovered, or observed to support a rule violation." Plante did not comply with this provision. He interviewed me on 3/23/21 and interviewed OSCI Library Coordinator P. McKinney on 4/14/21 but he did not issue the misconduct report until 8/4/21, 112 days after interviewing McKinney, in violation of OAR 291-105-0021(2)(a).
(continued on p. 3)

2) The finding was not based on the preponderance of evidence because:

OAR 291-105-008(3) mandates: "Rule violations shall be found upon proof by a preponderance of the evidence." The violations found by the Hearings Officer were not found upon proof by a preponderance of the evidence as set forth below:

A. Compromising an Employee. OAR 291-105-005(4)(b) provides that "[a]n AIC commits Compromising an Employee when that AIC knowingly engages an employee... in a personal relationship or business transaction." Plante made a conclusory allegation that I engaged B. McKinney in a personal relationship. He did not allege that I engaged McKinney in a business transaction. There is no evidence in the record that I "knowingly engaged [B. McKinney]... in a personal relationship." There is no evidence in the record of how I supposedly "knowingly engaged [B. McKinney]... in a personal relationship." (Continued on p. 4)

3) The sanction imposed was not in accordance with provision set forth in the rule (OAR 291-105) because:

4) The disciplinary proceedings and violations against me violate the First, Fourth, Sixth and Fourteenth Amendments to the United States Constitution in the ways specified herein:

(Continued on p. 6)

Documentation submitted to the Inspector General will not be returned to you. (OAR 291-105-0081)

Send your Petition for Administrative Review to:

Department of Corrections
Inspector General
2575 Center Street NE
Salem, Oregon 979310

1) There was not substantial compliance with the rule because: (Continued from p.1)

- 1 B. DAR 291-105-0021(2)(d)(A) requires that "[t]he misconduct report contain sufficient and complete facts to
2 support the alleged rule violation(s)" and "[t]he misconduct report must contain sufficient information to
3 allow the AIC to prepare a defense." Plante did not comply with this provision. DAR 291-105-0015(4)(h) provides that
4 "each AIC commits Compromising an Employee when that AIC knowingly engages an employee... in a personal relationship
5 or business transaction." Plante's 8/4/21 misconduct report makes only a conclusory allegation that I engaged P.
6 McKinney in a personal relationship. He offered no facts as to how I "knowingly engaged" [McKinney] in a personal
7 relationship. He does not include facts about how any supposed "personal relationship" manifested, what evidence
8 of a "personal relationship" he found to exist and/or how my conduct was "knowing." The misconduct report makes no
9 reference to text messages, photos, a video or an affidavit. The misconduct report contains no facts to
10 support a violation of Unauthorized Use of Info Systems II. The misconduct report contains no facts as to how
11 the plastic toy phone meets the definition of "Controlband" in DAR 291-105-0030(1) or how the toy phone "creates a
12 threat to the safety, security or orderly operation of a facility." Plante's 8/4/21 misconduct report fails to "contain
13 sufficient information to allow [me] to prepare a defense" in violation of DAR 291-105-0021(2)(d)(A).
- 14 C. DAR 291-105-0021(2)(b) requires "[t]he reviewing supervisor [to] ensure the [misconduct] report is accurate, appropriate and
15 supported by sufficient information;" and to "refe. the report back to the author for additional investigation or for less
16 formal action;" if it is not. M. Nofzinger signed Plante's 8/4/21 misconduct report as the reviewing supervisor on 8/4/21.
17 Nofzinger did not comply with this provision. Plante's misconduct report is not "accurate, appropriate [or] supported by
18 sufficient information" as referenced in Sections I A & B, above, and incorporated herein by this reference. However,
19 Nofzinger did not refe. the report back to Plante for additional investigation or for less formal action.
- 20 D. DAR 291-105-0028(4) requires that "[t]he Hearings Officer shall consider such evidence as would be considered by a reasonable
21 person in the conduct of their serious affairs." The rule requires consideration of only reliable evidence. The
22 Hearings Officer did not comply with this rule. The Hearings Officer considered unreliable evidence in finding that I:
23 "knowingly engaged" an employee... in a personal relationship or business transaction" in violation of "DAR
24 291-105-0015(4)(h)." violated Unauthorized Use of Info Systems II, in violation of DAR 291-105-0015(4)(j); and that I "possessed
25 Controlband... that creates a threat to the safety, security, or orderly operation of a facility" in violation of
26 DAR 291-105-0015(1)(e).
- 27 E. DAR 291-105-0028(8) requires: "An investigation shall be conducted... upon the AIC's request if the information sought,
28 when viewed in a light most favorable to the AIC, and with all reasonable inferences drawn in favor of the AIC would
29 constitute a defense to the charge or substantially mitigate the violation.... If a request for investigation is denied,
30 the reason(s) for denial shall be made a part of the record." The hearings officer failed to comply with this provision.
31 I filed a pre-hearing request for investigation and on 8/10/21 the hearings officer said that after reading my request, she
32 had questions as well and continued the hearing. However, when the hearing was reconvened on 8/31/21, no investigation
33 had been conducted. The evidence sought through investigation was available and when viewed in the light most
34 favorable to me, with all reasonable inferences to be drawn therefrom, would have constituted a defense to
35 the Compromising an Employee, Unauthorized Use of Info Systems II, and Controlband II charges or substantially mitigated
36 those alleged violations. As such, the hearings officer was required to conduct the requested investigation. She
37 violated this rule by refusing to conduct the investigation and in failing to make the reason(s) for denial of the
38 investigation part of the record.
- 39 F. DAR 291-105-0028(9)(e)(1)(b). I made a written request that 13 AICs, 4 current employees and 3 other persons be called as
40 witnesses and asked specific questions that I listed as required by DAR 291-105-0028(9)(6). The 8/10/21 hearing
41 was supposed to determine if any of my requested witnesses would be called and asked any of the requested

- 1 questions. When the hearing was reconvened on 8/31/21 however, the hearings officer refused to call any of
 2 my requested witnesses or ask any of my requested questions. This violates DAR 291-105-0028(4)(e) because
 3 the hearings officer failed to make any findings as to why each "witness" testimony, together with all
 4 reasonable inferences to be drawn from that testimony would not constitute a defense to the charge,
 5 would not substantially mitigate the violation, or would not assist the hearings officer in the resolution of
 6 the disciplinary action, in violation of DAR 291-105-0028(4)(e). The witnesses I requested were all available and
 7 would have offered testimony as I proposed, that would have constituted a defense, substantially mitigated the violation
 8 or otherwise assisted the hearings officer, but the hearings officer refused to call any of my witnesses. This
 9 also violates DAR 291-105-0028(4)(e) because the hearings officer failed to make the reason(s) for excluding each
 10 requested witness a part of the record. This also violates DAR 291-105-0028(4)(h) because that rule requires
 11 that "all questions that may assist in eliciting evidence that would constitute a defense to the alleged rule
 12 violation(s) or substantially mitigate the violation(s) shall be posed." The proposed questions I requested to be
 13 asked would have assisted in "eliciting evidence that would constitute a defense to the alleged rule violation(s)
 14 or substantially mitigated the violation(s)." This also violates DAR 291-105-0028(4)(h) because the hearings
 15 officer failed to make the reason(s) for refusing to pose each of my proposed questions a part
 16 of the record.
- 10 G. The hearings officer violated DAR 291-105-0028(4)(d) by failing to make the reason(s) for classifying Plante's
 11 report and all the evidence contained therein as confidential, a part of the record. The hearings officer also
 12 violated DAR 291-105-0028(10)(d) by improperly withholding P. McKinney's 4/14/21 statement and other evidence as
 13 confidential and for failing to make the reason(s) for classifying her statement and other evidence as
 14 confidential a part of the record.
- 13 H. The hearings officer violated DAR 291-105-0028(10)(e) which provides "If the hearings officer may share the AIC or
 14 read into the record any evidence submitted," and DAR 291-105-0036(3)(a) which provides that "confidential
 15 information may be summarized for the AIC at the time of the hearing without releasing the confidential
 16 information verbatim or the name of a confidential informant." I submitted a prehearing written request
 17 for disclosure of the substance of the information/evidence in the "Confidential Report" submitted by Plante.
 18 However, the hearings officer refused to summarize that information or read it into the record, in violation of
 19 DAR 291-105-0028(10)(e) and DAR 291-105-0036(3)(a), thereby depriving me of notice and the ability to defend myself
 20 against any allegations contained therein.
- 18 I. DAR 291-105-0056(4)(a)(A) grants all AICs the right to present a defense and DAR 291-105-0056(5) grants AICs the right
 19 to submit evidence. The hearings officer violated those rules when she denied my prehearing motions for: (a)
 20 disclosure of the substance of the Confidential Report; (b) a polygraph examination at my expense; (c) an
 21 investigator; and (d) witnesses and proposed questions. The denial of these motions, the denial of prehearing notice
 22 that the misconduct was based upon flash drives, a photo, a video, and an obituary, and handcuffing me behind the back
 23 in a cage and placing my evidence and legal arguments on a table outside the cage where I couldn't access it
 24 deprived me of the ability to prepare and present a defense to the allegations against me, a meaningful
 opportunity to be heard and a fundamentally fair hearing.
- 23 J. The finding was not based on the preponderance of evidence because: (Continued from p. 2)
 24 (P. McKinney)... in a personal relationship(s) including but not limited to residence of how any
 supposed "personal relationship" manifested (e.g., was it romantic, sexual, etc), residence of a "personal

1 relationship" that he supposedly found (e.g., letters, phone calls, inappropriate contact, etc.). Plante
2 searched my work area on 11/19/21 but does not report finding any evidence of a "personal relationship"
3 between me and McKinney during that search. Between 12/1/20 and 8/31/21 Plante failed to search my
4 cell for evidence of a "personal relationship" between me and McKinney, in violation of his training
5 and DDC Policy. Plante offers no evidence of a "personal relationship" between me and McKinney being discovered
6 during monitoring of my: (a) incoming and/or outgoing mail and/or emails; (b) telephone calls and/or video visits;
7 (c) visiting records; and/or (d) trust account activity. Quite to the contrary, no evidence of a "personal
8 relationship," knowing or otherwise, between me and McKinney exists in the record. Therefore, the hearings
9 officer's finding of the violation of OAR 291-105-0015(1)(b), Compromising an Employee, is not supported by a
10 preponderance of the evidence, in violation of OAR 291-105-0028(3) or "some evidence," in violation
11 of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

12 B. Unauthorized Use of Information Systems II. OAR 291-105-0015(1)(i) provides that an AIC commits Unauthorized
13 Use of Information Systems II when that AIC uses information system equipment in ways that exceed
14 the conditions of use or access granted by the Director, functional unit manager, or designee. The
15 hearings officer found a violation of OAR 291-105-0015(1)(i) by "viewing photographs of a former AIC
16 and video of a former AIC on the state owned computer for personal use and using that computer to share
17 the photographs and video with other AICs." The Hearings Officer also found "AIC Wilson admitted to receiving
18 photographs and video of a former AIC that was placed on a thumb drive by Ms. McKinney." "AIC Wilson
19 admitted to having personal photos, music and videos stored on the thumb drives AIC Wilson was to use
20 for work as a legal assistant," and "At the hearing, AIC Wilson was asked about the photographs and video
21 of the former AIC on the thumb drive, to which AIC Wilson admitted Ms. McKinney gave to AIC Wilson
22 and placed on the thumb drive." First, the photos and video were not of a former AIC. They were photos and
23 videos of an infant child of a former AIC. Second, the photos and video were not sent to McKinney for me.
24 Third, the photos and video were not sent to McKinney by the former AIC. I had nothing to do with McKinney's
25 receipt of the photos and video. McKinney, on her own accord, was exchanging baby pictures of her
26 newborn grandchildren with the mother of the infant. Given that I and other AICs know the father of the
27 baby, McKinney authorized me to show the photo and video to other AICs who knew and would be
28 happy for the former AIC. I did not exceed the authorized use by having the photos, video or music because
29 my supervisor, McKinney authorized me to possess and use those items. All library clerks were authorized
30 by McKinney to have music on their thumb drives and to listen to that music while working. Plante seized
31 all library clerk thumb drives and saw that all of them had music on them. Plante later returned the
32 thumb drives and music to all DCE library clerks. No other DCE library clerk was issued a misconduct
33 report charging them with Unauthorized Use of Info Systems I or II for having music on their assigned
34 library flash drives or listening to that music on their work computers. Therefore, the hearings officer's
35 finding of the violation of OAR 291-105-0015(1)(i), Unauthorized Use of Information Systems II, is not supported
36 by a preponderance of the evidence, in violation of OAR 291-105-0028(3) or "some evidence," in violation of
37 the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

38 C. Contraband II. OAR 291-105-0015(1)(e) provides that "An AIC commits Contraband II when that AIC possesses
39 Contraband... that creates a threat to the safety, security, or orderly operation of a facility" and OAR
40 291-105-0010(1) defines "Contraband" as: "Any article or thing that an AIC is prohibited by statute, rule or
41 order from obtaining or possessing, that the AIC is not specifically authorized to obtain or possess,
42 or that the AIC alters without authorization." Plante alleged that I violated Contraband II by possessing
43 a white plastic child's toy phone that McKinney admitted to bringing into DCE's and my law library
44 work area without supervisor approval. The hearings officer found "AIC Wilson was in possession of contraband

1 that was not authorized that created a threat to the safety, security or orderly operation of the facility as
 2 ALC Wilson was in possession of an unauthorized plastic child's toy phone in ALC Wilson's work area,
 3 photographs of a former ALC on ALC Wilson's thumb drive that is to be utilized for work as the Legal Assistant,
 4 a video of a former ALC on ALC Wilson's thumb drive that is to be utilized for work as the Legal
 5 Assistant, music on the thumb drives that is to be utilized for work as the Legal Assistant. First, there is
 6 no evidence in the record that I requested, had knowledge of, or played any other role in McKinney's
 7 decision to bring the plastic white child's toy phone into DSCI and my law library work area. Second, there
 8 is no evidence in the record that I knew or had any reason to know that McKinney brought the white
 9 plastic child's toy phone into DSCI and the law library without supervisor approval. Third, there is no evidence
 10 in the record to support Plante's conclusory allegation that McKinney gave the white plastic child's toy
 11 phone to me as a "gift." Fourth, there is no evidence in the record that I reasonably understood or perceived
 12 that the white plastic child's toy phone was intended as a "gift" from McKinney. Fifth, there is no evidence
 13 in the record that the white plastic child's toy phone is an "article or thing that an ALC is prohibited by
 14 statute, rule or order from obtaining or possessing." Sixth, there is no evidence in the record that the
 15 white plastic child's toy phone was an article or thing that I was not specifically authorized to obtain
 16 or possess," given that my direct supervisor, a 22-year veteran employee, placed it on my desk as a joke.
 17 Seventh, there is no evidence in the record that I altered the white plastic child's toy phone in anyway,
 18 with or without authorization. Eighth, there is no evidence in the record that the white plastic child's
 19 toy phone "creates a threat to the safety, security, or orderly operation of a facility." Ninth, there is no evidence
 20 in the record that the photos, video and/or music on the thumb drives were articles or things that I was "not
 21 specifically authorized to obtain or possess," given that my direct supervisor, a 22-year veteran employee, McKinney
 22 gave the photos and video to ALC Wilson and placed [them] on the thumb drive as the Hearings Officer. Tenth,
 23 and supervisor McKinney expressly authorized all DSCI library clerks to have music on the assigned thumb
 24 drives and to listen to that music while working. Plante seized all the clerk thumb drives and saw that
 all of them had music on them but he returned the thumb drives and music to all other DSCI library clerks
 and did not issue them misconduct reports for Contraband II for possessing that music. Only
 I was issued a misconduct report. Notably, that misconduct report does not allege the violation of
 Contraband II by possessing a photo, video and/or music on a thumb drive. The misconduct report
 does not even mention a photo, video and/or music, depriving me of notice and an opportunity to present a defense.
 Tenth, there is no evidence in the record that my possession of the photo, video and/or music
 "creates a threat to the safety, security, or orderly operation of the facility." For these reasons,
 the hearings officer's finding of the violation of DAR 241-105-0015(1)(e), Contraband II, is not supported
 by a preponderance of the evidence, in violation of DAR 241-105-0028(3), or "some evidence," in violation
 of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

19 4) The disciplinary proceedings and violations violate the United States Constitution because: (Continued from p. 2)

20 A. "Personal Relationship" is Unconstitutionally Vague and Over-broad

21 As applied to me, "personal relationship" in DAR 241-105-0015(4)(h), the 5/4/21 misconduct report and the 9/15/21
 22 Final Order is unconstitutionally vague and over-broad insofar as it fails to provide adequate
 23 notice of the conduct that I "knowingly engaged in" which constituted a "personal relationship" in
 24 violation of DAR 241-105-0015(4)(h). This lack of notice deprived me of the ability to prepare and
 present a defense, a meaningful opportunity to be heard and a fundamentally fair hearing, in violation
 of the First and Fourteenth Amendments to the United States Constitution.

1 B. Denial of Notice, Ability to Present a Defense, Meaningful Opportunity to be Heard & Fundamentally Fair Hearing

2 The disciplinary proceedings deprived me of constitutionally-required notice, the ability to present a defense, a
 3 meaningful opportunity to be heard, and a fundamentally fair hearing, in violation of the Due
 4 Process Clause of the Fourteenth Amendment to the United States Constitution in one or more of the
 5 following particulars:

6 (a) When the Misconduct Report failed to give pre-hearing notice that the disciplinary charges were based
 7 upon two thumb drives, a photo, a video, an obituary and/or music.

8 (b) When the hearings officer refused to disclose the substance of the "Confidential Report" and/or
 9 evidence contained therein.

10 (c) When the hearings officer refused to allow me to submit to a polygraph examination at my expense,

11 (d) When the hearings officer refused to grant my request for an investigation.

12 (e) When the hearings officer refused to call any of my requested witnesses or ask any of my proposed
 13 questions of those witnesses.

14 (f) When I was handcuffed behind the back and locked in a cage while my evidence and
 15 legal arguments were placed on a table outside the cage where I could not access them
 16 during both the 8/10/21 and 8/31/21 disciplinary hearing.

17 (g) When the hearings officer was not neutral and detached and refused to listen to anything
 18 I had to say in my defense, as though she was wearing ear plugs.

19 (h) When the hearings officer conducted a sham disciplinary hearing with a predetermined outcome.

20 1. Retaliation. The disciplinary investigation, misconduct report, disciplinary proceedings, violations
 21 and sanctions from 12/4/20 through 9/15/21 and my segregation placement from 8/31/21 through
 22 12/28/21 constitute pretextual adverse actions that ODC/OSCI employees have taken, and
 23 continue to take, against me in retaliation for engaging in constitutionally-protected
 24 conduct, including but not limited to litigation against ODC/OSCI employees, legal and
 25 legislative advocacy work and political speech, in violation of the First and Fourteenth
 26 Amendments to the United States Constitution.

27 D. Improper Confiscation of Protected Legal Materials & Interference With Court Access & Attorney-Client
 28 Communication and Relationship.

29 The hearings officer found that "Alc Wilson admitted to receiving two black thumb drives from
 30 Ms. McKinney that he was storing all of his legal work on. Alc Wilson stated that he was planning on
 31 taking the two black thumb drives home with him when he was going to leave the
 32 institution as they were given to him by Ms. McKinney." The hearings officer ignored my testimony
 33 that all OSCI inmates who have legal work are given thumb drives so they can take
 34 their legal work home, and that McKinney gave me the two thumb drives so I could transfer my

1 personal legal work from the assigned legal assistant thumb drives so I could take my
2 legal materials out of the facility while leaving everything else on the legal assistant
3 assigned thumb drives. The hearings office found that the two black thumb drives that
4 were given to me by my supervisor, Library Coordinator McKinney, were contraband and
5 ordered them to be confiscated. By doing so the hearings office also improperly
6 ordered the confiscation of all of my personal legal materials, including material in
7 three active cases. This improper confiscation of my constitutionally-protected legal
8 materials subjects me to irreparable harm and constitutes interference with court
9 access and attorney-client communication and relationship and retaliation, in violation
10 of the First, Fourth, Sixth and Fourteenth Amendments to the United States
11 Constitution.

12 Conclusion

13 Based upon the foregoing arguments and authorities, I hereby respectfully request
14 that the challenged disciplinary order be immediately vacated and that I be restored
15 to all housing, employment, incentive level and other statuses, privileges and
16 positions I held prior to the initiation of these disciplinary proceedings against me.

17 DATED this 22th day of September, 2021.

18 Respectfully submitted,

19 Mark James Wilson

20 Mark James Wilson

21 SID# 7449142 - OSC I DSU 40B


22 3405 Deer Park Drive SE

23 Salem, OR 97310

Bobbin, Julia, Juan & Conrad,

Nov. 23, 2021

Hi.. Thanks for everything! I hope you all have a great Thanksgiving!
Enclosed you will find Craig Pinn's October 28, 2021 denial of Julia's letter.
It did not reach me until November 17, 2021, in an envelope that does
not appear to have gone through the mail - see enclosed. [REDACTED]



Have a great week. Talk to you again soon.

Warmest Regards,

Mark

Mark Wilson

SID# 7449142

3405 Deer Park Dr. SE

Salem, OR 97310



Oregon

Kate Brown, Governor

Oregon Department of Corrections

Office of the Inspector General

2575 Center Street NE

Salem, OR 97301-4667

Voice: 503-945-0988

Fax: 503-373-7092



October 28, 2021

Mark Wilson SID# 7449142
Oregon State Correctional Institution
3405 Deer Park Dr SE
Salem, OR 97310-9385

Dear Mark Wilson,

This will acknowledge receipt of a written request to vacate case number 2103 OSCI 0056 OSCI 35 in the interest of justice. This request was submitted by Julia Yoshimoto and Juan Chavez of the Oregon Justice Resource Center on your behalf. Our office received this request on September 29, 2021.

The above mentioned case, as well as your overall misconduct and institution history, have been thoroughly reviewed. Your case was handled in accordance with the provisions outlined in the Department of Corrections rules governing Prohibited Conduct and Processing Disciplinary Actions (OAR 291-105). Our findings show there was substantial compliance with the rule, the findings were based on a preponderance of the evidence, and the sanctions recommended were appropriate given the circumstances of this case and your history.

At this time I find no compelling reason to vacate, modify, or re-open this case.

Sincerely,

Craig Prins
Inspector General

/mds

cc: Rob Persson, Assistant Director
File